

OCT 2 1999

STATE OF MAINE

Kennebec, ss.

Board of Overseers of the Bar  
Grievance Commission

BOARD OF OVERSEERS OF THE BAR,

Files No. 98-182; 99-22

Petitioner

v.

REPORT

MARY BETH CROCKET, ESQ.

of York Beach, Maine

Me. Bar No. 8450

Respondent

The above matter was heard by Grievance Commission Panel C on October 7, 1999 at the Board of Overseers of the Bar's Office in Augusta, Maine. Pursuant to disciplinary petition dated July 23, 1999 and proper notice being provided, a disciplinary hearing open to the public was conducted on that date pursuant to M. Bar R. 7.1(e)(1), (2) to determine whether grounds exist for the issuance of a reprimand or whether probable cause exists for suspension or disbarment. The facts set forth and the misconduct alleged in the complaint were taken as admitted pursuant to M. Bar R. 7.1(e)(1). The Board of Overseers of the Bar was represented by Bar Counsel J. Scott Davis, Esq., and Respondent Mary Beth Crocket, Esq. appeared *pro se*. Ms. Crocket testified at the hearing.

Petitioner urged the Panel to find that there is probable cause for the filing of an Information with the Court. Respondent admitted that her conduct amounts to violations of several Maine Bar Rules, but suggested that the appropriate discipline for the violations is a reprimand. The Panel has concluded that these particular violations do not warrant imposition of discipline more serious than a reprimand and that concern about the possible repetition of these violations does not furnish a sufficient basis for filing an Information.<sup>1</sup>

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<sup>1</sup> This case is not substantially unlike Board of Overseers of the Bar v. Ralph W. Brown, Files No 89-S-93, 89-S-126 (Report dated November 17, 1989). In Brown the facts and misconduct were deemed admitted under M. Bar R. 7(e)(1).

The Petition essentially involves two instances of misconduct. File 98-182 involved a divorce matter. Respondent's secretary failed to follow Respondent's directions to file with the Court the original of a divorce complaint (a copy of which had been served on the defendant). After a period of approximately three and 1/2 months it was discovered that the original complaint had not been filed with the Court, but had, instead, accidentally been sent to opposing counsel. Opposing counsel then sent it to Respondent, who filed it with the Court. Respondent believed the complaint had originally been properly filed, and was waiting for the notice of scheduling of a case management conference. Upon realizing the error she called the clerk's office to request prompt scheduling of the case management conference. Respondent acknowledged full responsibility for the error: "The fault lies with me. I was the attorney and her supervisor. It is my responsibility to ensure that all work that goes out of my office is done correctly."<sup>2</sup> She also acknowledged that she should have contacted her client immediately upon discovery of the error, but explains that she wanted to fix the matter and get the case management conference scheduled before calling her client.

The second matter (99-22) involves a complaint by John David Kennedy, Case Management Officer, Maine District Court. On two occasions, in the same domestic matter, Respondent failed to appear for hearings, resulting in sanctions being imposed on her client in the amount of \$70 and \$140. Respondent readily acknowledged full responsibility for the missed court dates; the first being a docketing error on her part, and the second her being unaware of the hearing date due to mail problems at her office, which she admitted constituted misconduct under the Bar Rules. Respondent stated that she has had difficulties maintaining the business end of her practice because of the nature of the cases she was taking (essentially pro bono representation of victims of abuse, or representation of victims of low income), and because of her serious organizational problems.

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There Respondent failed to respond to a motion seeking relief under Rule 60(b), to his client's considerable financial disadvantage. He did not notify his client of the motion or the fact that it had been granted. The other matter likewise involved Respondent's neglect of a matter entrusted to him and failure to keep his client reasonably informed. The Panel noted: "It was entirely clear from the testimony that these violations are the result of a serious organizational deficiency in Respondent's practice and not any dishonesty or intent." The Panel reprimanded the Respondent.

<sup>2</sup> Board Exh. #2.

As a result, her mail became disorganized, as she attempted to switch back and forth from practicing out of her house to a small office, and as her financial ability to maintain her practice deteriorated. Furthermore, she suffered from fibromyalgia, bronchitis, fatigue and anemia, which intensified under the stress, causing her physical pain, physical exhaustion and weakness.

Respondent's conduct in these matters violates Rule 3.1 as conduct unworthy of an attorney, Rule 3.2(f)(2) as conduct prejudicial to the administration of justice, Rule 3.6(a)(3) for neglecting a legal matter entrusted to her, and Rule 6(a)(1) for failure to promptly file a supplemental statement of change of address.

In fairly considering the question of the appropriate sanction under the circumstances of this case, the Panel is guided by Rule 7.1(e)(2)(C).<sup>3</sup>

Mary Beth Crocket graduated from University of Maine Law School with distinction. She also received the Pro Bono Student Award while in school. Prior to attending law school, Ms. Crocket, after work, volunteered at an abused woman's shelter. Believing that she could more effectively advise, advocate for and represent the interests of battered women and children (particularly those with little or no money), she attended law school. Upon graduation, Ms. Crocket began to work out of her house, representing such victims, mostly for free or at a very minimum rate. Following the Bar complaints against her, Ms Crocket has essentially terminated her active solo practice, and now works for an Abused Woman's Shelter. Although she does not represent clients in Court, she continues to assist abused victims by providing legal advice about their rights and available remedies for domestic violence and abuse.

We believe that Ms. Crocket is a dedicated and devoted individual and attorney, who is motivated by her devotion to public service and her commitment towards the rights of victims of abuse, without expectation of monetary gain. It was entirely clear from the

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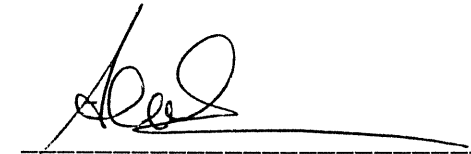
<sup>3</sup> In determining the appropriate sanction, the panel shall consider the following factor among others: (i) whether the attorney has violated a duty owed to a client, to the public, to the legal system, or to the profession; (ii) whether the attorney acted intentionally, knowingly, or negligently; (iii) the amount of actual or potential injury caused by the attorney's misconduct; and (iv) the existence of any aggravating or mitigating factors.

testimony that these violations are the result of a confluence of financial difficulties and a serious organizational deficiency in Respondent's practice, as well as her medical difficulties, and not any dishonesty or intent.

Respondent has no prior disciplinary record and, although these violations are not in any sense to be considered insignificant, they are not of the character generally thought to merit suspension or disbarment. See e.g. Brown, supra. Bar Counsel is legitimately concerned about whether these kinds of violations might be repeated. The Panel shares the concern and strongly urges Respondent to seek appropriate advice or assistance concerning the difficulties contributing to these violations.

In conclusion, for violations of Maine Bar Rules 2(c), 3.1(a), 3.2(f)(4), 3.6(a)(3) and 6(a)(1), Respondent is hereby reprimanded and Bar Counsel is hereby directed to notify Respondent of the reprimand by furnishing a copy of this Report.

Dated: October 14, 1999



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Alan G. Stone, Chairman



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Barbara L. Raimondi, Esq.



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Carol M. Rea